

Application No. 09/406,530

REMARKS

This Amendment is in response to the outstanding Official Action dated June 20, 2001, the shortened statutory period for filing a response having expired on September 20, 2001. In this regard, Applicant submits herewith a Three Month Extension Petition to reset the deadline for responding to the Official Action to and including December 20, 2002. In view of the within response, this application is now in condition for allowance, and notice to that effect is respectfully requested.

The Examiner in Paragraph 1 of the Official Action has objected to claims 18-21 under 37 C.F.R. §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant has amended claims 18-21 to a tilter and device combination which positively recites a flat screen television, a flat screen computer monitor, a keyboard and a laptop computer. In view of these amendments, the Examiner's objection is considered traversed and should therefore be withdrawn.

The Examiner in Paragraph 2 of the Official Action has objected to the drawings under 37 C.F.R. §1.83(a) as not disclosing a gas spring and end caps which are the subject matter of independent claim 48. The Examiner has also rejected independent claim 48 under 35 U.S.C. §112, first paragraph, as containing subject matter which is not described in the specification. In view of the Examiner's rejection, Applicant has canceled claim 48 without disclaimer or prejudice thereby overcoming same.

The Examiner in Paragraph 6 of the Official Action has rejected claims 1-48 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claiming the subject matter which Applicant regards as the invention. The Examiner has raised various issues to the claims as delineated in Paragraph 6 of the Official Action.

Application No. 09/406,530

Applicant has amended the claims as noted hereinabove to overcome each of the issues raised by the Examiner. Accordingly, all claims are now considered to be in full compliance with the provisions of 35 U.S.C. §112, second paragraph, and notice to that effect is respectfully requested.

The Examiner has also indicated that claims 4, 9, 12, 14, 17, 34-37, 39, 43 and 46 would be allowable if rewritten to overcome the aforementioned rejection under 35 U.S.C. §112, second paragraph, and to include all of the limitations of their base claim and any intervening claims. Applicant has accordingly rewritten dependent claim 4 as new independent claim 49, dependent claim 9 as new independent claim 50, dependent claim 12 as new independent claim 51, dependent claim 14 as new independent claim 52, dependent claim 17 as new independent claim 53, dependent claim 34 as new independent claim 54, dependent claim 39 as new independent claim 55, and dependent claim 46 as new independent claim 56, including all intervening claims. Accordingly, notice of allowance of independent claims 49-56 is now in order, and notice to that effect is respectfully requested.

Turning to the prior art, the Examiner has rejected claims 1-3, 6-8, 10, 11, 13, 22, 23, 25, 26, 28-33, 38, 40-42, 44, 45 and 47 under 35 U.S.C. §102(e) as being anticipated by Sweere, et al., U.S. Patent No. 5,842,672; and claims 1, 5-7, 10, 11, 15, 16, 22-30, 38, 40, 41, 44 and 47 under 35 U.S.C. §102(b) as being anticipated by Norton, U.S. Patent No. 4,470,106. In view of the above amendments and within remarks, the Examiner's rejection is considered traversed and should therefore be withdrawn.

Referring to Sweere, et al., the Examiner states that the tilter as disclosed in Figs. 2 and 4 includes a support block 64 which is coupled to and configured for pivotable engagement with the support mount 50 around a first axis. Applicant has

Application No. 09/406,530

amended independent claim 1 to include the limitation of "a shaft attached to said support block extending away from said support block along said vertical first axis, said shaft adapted for engagement with said support mount whereby said support block is pivotable around said vertical first axis." Independent claim 22 has been amended to further define the support shaft as extending outwardly from the body defining the support block. These features of a support block including a shaft which extends outwardly therefrom which is adapted for engagement with the support mount whereby the support block is pivotable around a first axis is neither disclosed nor rendered obvious by Sweere, et al.

In the Official Action, although the Examiner states that Sweere, et al. discloses a support block 64, there is no reference to Applicant's claimed shaft as set forth in claims 1 and 22. In this regard, the support block 64 of Sweere, et al. is nothing more than an angle bracket, see col. 5, lines 3-7 in Sweere, et al. There is no disclosure in Sweere, et al. of a shaft extending from a support block, which shaft is adapted to allow rotation of the support block about a support mount. Accordingly, the Examiner's rejection is considered traversed and should therefore be withdrawn.

Turning to Norton, the Examiner states that the disclosed tilter includes a support block 72 coupled to and configured to pivotably engage the support mount 54 around a first axis. Here again, the Examiner has made no mention of Applicant's claimed support shaft which extends outwardly away from the support block. The proposed support block 72 in Norton, shown in Fig. 2, is nothing more than a solid body having two through holes arranged at opposite ends thereof having their axes perpendicular to one another. The fact is that Norton fails to disclose Applicant's claimed support block having a support shaft

Application No. 09/406,530

as claimed. Accordingly, the Examiner's rejection is considered traversed and should therefore be withdrawn.

It is not surprising that the Examiner in the Official Action has made no reference to either Sweere, et al. or Norton as disclosing Applicant's claimed support shaft. Although the Examiner has made reference to the cited prior art as disclosing a support block, no reference has been made to either of the cited prior art disclosing Applicant's claimed support shaft. Accordingly, all claims pending in this application possess the requisite novelty and unobviousness over the prior art, and notice to that effect is respectfully requested.

In considering Applicant's within response, Applicant designates the dependent claims as being allowable by virtue of their ultimate dependency upon submittedly allowable independent claims. Although Applicant has not separately argued the patentability of each of the dependent claims, Applicant's failure to do so is not to be taken as an admission that the features of the dependent claims are not themselves separably patentable over the prior art cited by the Examiner.

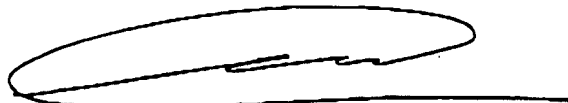
Accordingly, Notice of Allowance of all pending claims is respectfully requested. If, for any reason the Examiner is of the opinion that such action cannot be taken at this time, he is invited to telephone the undersigned at (908) 654-5000 in order to overcome any additional issue that may be unresolved.

Application No. 09/406,530

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP



STEPHEN B. GOLDMAN
Reg. No. 28,512

600 South Avenue West
Westfield, New Jersey 07090
Telephone: (908) 654-5000
Facsimile: (908) 654-7866

344551_1.DOC